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542-009.2 [FB-6212PCT]

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Kazuhiko NAKADA, *et al.*

Serial No. 10/088,770

Examiner Zohreh A. Fay  
Art Unit 1614

Filed March 20, 2002

For: LIQUID PREPARATION FOR  
CONTACT LENSESMail Stop AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

## Supplemental Response to Final Office Action

Sir:

Kindly enter this paper in further response to the Office Action dated April 6, 2004 in the following section: (1) Introductory Comments.

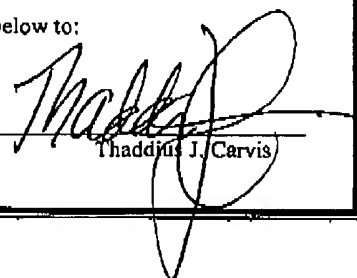
Applicants' purpose for filing this paper is to summarize a telephonic interview with Examiner on this date.

## Certificate of Facsimile Transmission

I hereby certify that this paper is transmitted by facsimile on the date shown below to:

Commissioner for Patents: (703) 872-9306.

August 17, 2004

  
Thaddius J. Carvis

Serial No. 10/088,770  
August 17, 2004

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(1) INTRODUCTORY COMMENTS

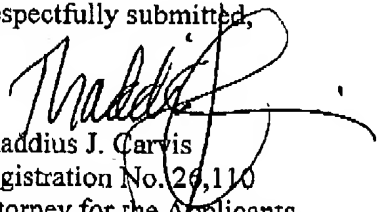
Applicants thank the examiner for the courtesy extended during a telephonic interview of this date. This paper summarizes the discussions.

Applicants' attorney highlighted the arguments of the last response made regarding the references failure to present a case of *prima facie* obviousness. Briefly, that the references do not use the claimed polyamines at the claimed concentrations for the purpose claimed and that Applicants' data in the Declaration is supportive of a finding of unobviousness.

The Declaration data was discussed as to whether or not it was commensurate in scope with the claimed invention. The examiner took the view that while the concentrations tested were commensurate in scope with the claims, the scope of the claimed polyamines with the  $-(CH_2)_n-$  group would encompass too many compounds to be properly supported by the test of a single compound (polyallylamine). The examiner did not believe that the claim of unexpected results was properly supported by the data without tests of more compounds, despite the homologous nature of the series.

Applicant pointed out, and the examiner agreed, that no extension of time should be necessary in view of applicants' timely response within two months of the date of the final and this telephone interview having taken place prior to an advisory action being mailed.

Respectfully submitted,



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